



UNITED STATES PATENT AND TRADEMARK OFFICE

VS

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,574	07/20/2001	Eugene Gorbatov	42390P12150	1414
8791 7590 01/25/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
			EXAMINER SHANG, ANNAN Q	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/910,574
Filing Date: July 20, 2001
Appellant(s): GORBATOV ET AL.

MAILED

JAN 25 2008

Technology Center 2600

Michael R. Barre
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/12/07 appealing from the Office action mailed 07/18/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0086688	OMOIGUI	4-2005
2002/0104090	STETTNER	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 6-15, 18-21, 26, 27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Omoigui (2005/0086688)** in view of **Stettner (2002/0104090)**. This rejection is set forth in a prior Office Action, mailed on 07/18/07.

(10) Response to Argument

With respect to claims 1-3, 6-15, 18-21, 26, 27, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Omoigui** in view of **Stettner**, Appellant discusses the claims limitation, the prior arts of record and argues that the prior arts of record do not teach the claims limitation and further argues that the rejection of the claims seem to be based on hindsight reasoning and that the "...Final Office Action fails to make out a prima facie case of obviousness for any of the independent claims..." that "...independent claims implicitly include the features of the independent claims., and the dependent claims involve additional features that are not disclosed or suggested by the cited art" (see page 5+ of Appellant's Argument).

In response, Examiner notes Appellant's arguments, however, the Examiner disagrees. Omoigui discloses receiving a TV stream ([0029] and [0054]), displays the first program of a first TV channel received in the TV stream for viewing by a viewer and notifies the viewer of an event occurring in a second program on a second TV channel being broadcast concurrently with the first program ([0034], [0038] and [0067]). Omoigui is silent as to where the notification of the event is transmitted over a third TV channel. However, in the same field of endeavor, Stettner discloses that notification of event

could be transmitted over a third channel (ATVEF triggers, event notification, [0032]), the VBI, where the ATVEF signals are continuously updated as the TV signal is being broadcast. Furthermore Appellants refers to vertical blanking interval (VBI) line of a channel as a specialized TV channel that is different than the TV channel being displayed (see page 6 of Appellant's disclosure). Hence the 103(a) rejection of the claims is proper, meets all the claim limitation and should be sustained.

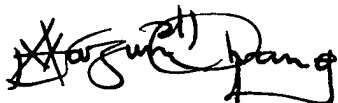
As to Appellant's arguments with respect to hindsight reasoning, etc., Examiner maintains that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case all references are in the same field of endeavor and as such combining the teaching of over **Omoigui** in view of **Stettner** would be within the knowledge of one of ordinary skill in the art, and appropriate motivation was given. Hence the 103(a) rejection of the claims, is not hindsight reasoning, is proper, meets all the claim limitation and should be sustained.

(11) Related Proceeding(s) Appendix

None

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

Annan.Q. Shang

Application/Control Number:
09/910,574
Art Unit: 2623

Page 5

Conferees:



Annan Q. Shang


Chris C. Kelley



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Vivek Srivastava

INTEL CORPORATION
C/O INTELLEVATE, LLC
P. O. BOX 52050
MINNEAPOLIS, MN 55402



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600